

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID ARTHUR DEPONTE,

Plaintiff,

v.

STOHL, et al.,

Defendants.

1:24-cv-00695-HBK (PC)

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 2)

ORDER DENYING AS MOOT DUPLICATE
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS

(Doc. No. 7)


Plaintiff, a state prisoner, initiated this action in the Northern District of California on March 8, 2024, by filing a pro se civil rights complaint pursuant to 42 U.S.C. § 1983, along with a Motion to Proceed *in forma pauperis*. (Doc. Nos. 1, 2). The case was transferred to this Court on June 13, 2024. Plaintiff submitted a copy of his prison trust fund statement in support of his motion to proceed *in forma pauperis*. (Doc. No. 5). On March 20, 2024, Plaintiff filed a second motion for leave to proceed *in forma pauperis*. (Doc. No. 5). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's trust account. 28 U.S.C. § 1915(b)(2). The California Department of Corrections and Rehabilitation ("CDCR") is required to send to the Clerk of the Court payments from plaintiff's account each time

the amount in the account exceeds \$10.00, until the statutory filing fee is paid in full. *Id.*

Accordingly, it is hereby ORDERED:

1. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) is **GRANTED**.
2. Pursuant to 28 U.S.C. § 1915 (b)(1) the Director of the California Department of Corrections and Rehabilitation ("CDCR") or his designee shall collect payments from Plaintiff's prison trust account in an amount equal to twenty percent (20%) of the preceding month's income credited to the prisoner's trust account and shall forward those payments to the Clerk of the Court each time the amount in the account exceeds \$10.00 until a total of \$350.00 has been collected and forwarded to the Clerk of the Court. The payments shall be clearly identified by Plaintiff's name and the case number assigned to this action.
3. The Clerk of the Court is directed to serve a copy of this Order and a copy of Plaintiff's *in forma pauperis* application (Doc. No. 2) on the Director of CDCR, via the Court's electronic case filing system (CM/ECF).
4. The Clerk of the Court is directed to serve a copy of this Order on the Financial Department, U.S. District Court, Eastern District of California.
5. Plaintiff's duplicate application to proceed *in forma pauperis* (Doc. No. 7) is **DENIED as moot** in light of the Court's granting of the first motion.

Dated: June 18, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE